

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADAM WYNN TINGLEY,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

3:14-cv-577-RCJ-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*, a motion for appointment of counsel, and a motion to name John Doe or add defendant to complaint. (ECF No. 1, 1-1, 1-2, 3).

The Court notes that Plaintiff is attempting to add a defendant to the facts alleged in *Tingley v. NDOC*, 3:14-cv-358-MMD-VPC. In the present case, Plaintiff directs this Court to refer to the other case for background, then briefly alleges the same facts, and then attempts to state a claim against Defendant Dr. Arana. (ECF No. 1-1 at 3-4). The Court notes that in the earlier case, the Honorable Miranda M. Du dismissed Dr. Arana from that case, without prejudice, because there were no allegations against him in the complaint. (See CM/ECF #3:14-cv-358-MMD-VPC No. 4 at 5). The Court closes this case and directs Plaintiff to file a motion for leave to file an amended complaint in case 3:14-cv-358-MMD-VPC because Plaintiff is merely attempting to add a defendant to that case. As such, the Court denies the application to proceed *in forma pauperis* and the motion for appointment of counsel as moot.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the application to proceed *in forma*
3 *pauperis* (ECF No. 1) is denied as moot.

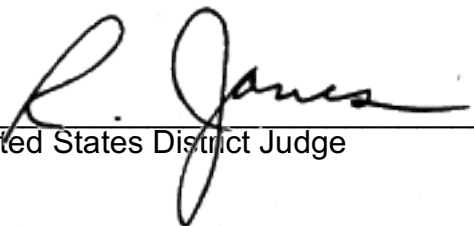
4 IT IS FURTHER ORDERED that the motion for appointment of counsel (ECF No. 1-2)
5 is denied as moot.

6 IT IS FURTHER ORDERED that the motion to name John Doe or add defendant to
7 complaint (ECF No. 3) is denied.

8 IT IS FURTHER ORDERED that Plaintiff shall file a motion to name John Doe or add
9 defendant to the complaint in his other open case, *Tingley v. NDOC*, 3:14-cv-358-MMD-VPC.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall close this case and enter
11 judgment accordingly.

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13 Dated: This 25th day of March, 2015.

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17 United States District Judge
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